

Appl. No. 10/048,079

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Atty. Docket No. 7696M

Amdt. dated: 02/02/04

Amendment & Reply to the Office Action dated 10/01/03

REMARKS

The pending claims showing the amendments herein are represented above.

The specification has been amended in order to appropriately reference the priority claim to the provisional application.

The specification has also been amended to include the subject matter of the original claims within the summary of invention.

The specification has further been amended to include material relating to the evaporators useful herein which was previously incorporated only by reference from Perry's Chemical Engineering Handbook. An affidavit by Armina E. Matthews, is submitted concurrently herewith (and includes a copy of the original document).

Support for these amendments is found, at a minimum, in the original claims and in the incorporated by reference Perry's Chemical Engineering Handbook.

New Claims 20 and 21 are introduced to preferred embodiments of the invention. Support for these amendments is found, at a minimum, on Page 3, lines 7-9 of the original specification.

Upon the entry of the amendments presented, Claims 1-15 and 20-21 are pending in the present application. No additional claims fee is believed to be due. It is believed that these changes do not involve the introduction of new matter. Consequently, entry of these changes is believed to be in order and is respectfully requested.

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RESTRICTION REQUIREMENT

The Office Action required restriction by alleging that under 35 U.S.C. § 121, there are claims directed to the following patentably distinct inventions:

Group I – Claims 1-13, drawn to a process for preparing a surfactant paste

Group II – Claim 16, drawn to for drying detergent ingredients

Group III – Claim 17, drawn to a process for converting a Newtonian liquid into a non-Newtonian liquid.

Group IV – Claim 18, drawn to a process for converting a Newtonian liquid into a non-Newtonian liquid.

Group V – Claim 19, drawn to a process for preparing anhydrous agglomerates.

The Office Action argues that Groups I to V share only a concept which is known and therefore are not so linked as to form a single general inventive concept and therefore lack unity of invention.

During a telephone conversation with Applicant's attorney, Mr. Jerry Yetter, on September 17, 2003, a provisional election was made with traverse to prosecute the invention of Group I, claims 1-15.

Applicants herein affirm the election made by Mr. Yetter on September 17, 2003.

Applicants hereby elect Claims 1-15 (Group I) for continued prosecution, along with new claims 20 and 21 which depend from pending Claims 1 and 8, respectively; holding Claims 16-19, in abeyance under the provision of 37 C.F.R. § 1.142(b) until final disposition of the elected claims.

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OBJECTIONS TO SPECIFICATION

Numerous objections have been made to the specification for failing to provide proper antecedent basis for the claimed subject matter. Specifically:

Claim 1, line 6, no antecedent basis for water content of aqueous surfactant mixture.

Claims 2 and 5, line 2, no antecedent basis for percentage of other additives.

Claims 3 and 10, no antecedent basis for evaporative column.

Claim 4, no antecedent basis for the claimed additive.

Claims 6 and 12, no antecedent basis for particular solvents.

Claim 8, no antecedent basis for the percentage range of water.

Claim 9, no antecedent basis for the percentage of water.

Claim 11, no antecedent basis for the list of sulfonic acid surfactants.

By the amendments to the specification herein, the subject matter of all the original claims has been included in the specification under "SUMMARY OF INVENTION." Therefore, Applicants respectfully assert that these objections have been overcome and that these objections should be withdrawn.

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REJECTIONS UNDER 35 USC § 112

Claims 1-15 have been rejected under 35 USC § 112, first paragraph, for lack of enablement. Specifically, the office action argues that because the specification, while being enabling for processes as claimed where the drying takes place in an Agitated Thin Film Evaporator, does not reasonably provide enablement for the processes as claimed wherein any vacuum process is used for drying the surfactant. The office action required that the disclosure be amended to include the material incorporated by reference.

By the amendments herein, the specification has been amended to include a list of suitable evaporators found in previously incorporated by reference document, "Perry's Chemical Engineering Handbook." This amendment is accompanied by an affidavit by Armina E. Matthews, which states that the amendatory material consists of the same material incorporated by reference in the original application. In addition, a full-text copy of the document is also attached to the affidavit and it is requested that this be made a part of the record herein.

ALLOWABLE SUBJECT MATTER

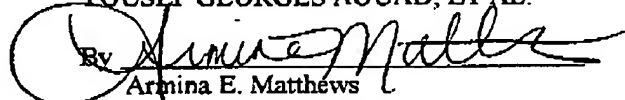
The Office Action indicates that Claims 1-15 are allowable over the art of record. New Claims 20 and 21 depend from Claims 1 and 8, respectively, and incorporate the subject matter of the original claims. It is therefore submitted that Claims 20 and 21 are also allowable over the art of record.

Since the only outstanding objections/rejections herein have been overcome by the specification amendments, it is therefore respectfully submitted that all pending claims should be passed to issuance.

CONCLUSION

Applicants have made an earnest effort to place their application in proper form and to distinguish their invention from the applied prior art. WHEREFORE, Applicants respectfully request entry of the amendments presented, reconsideration of this application, withdrawal of the objections to the specification, withdrawal of the restriction requirement, and allowance of Claims 1-15 and 20-21.

Respectfully submitted,
YUSEF GEORGES AOUAD, ET AL.

By 
Armina E. Matthews
Attorney for Applicants
Registration No. 43,780
(513) 627-4210

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